June 20, 2005

Honorable Lester Crawford, M.D.
Acting Commissioner
Food and Drug Administration
Parklawn Building
Rockville Pike
Rockville, MD

Dear Commissioner Crawford

Re: Food Labeling with a focus on Beverages and Portion Sizes
Docket No. 2004N-0463

This letter expresses our concerns about the inadequacy of current bevereage and portion size labeling and provides some suggestions for improvement. First let us introduce ourselves. Claude Bouchard, Ph.D. is Executive Director of the Pennington Biomedical Research Center, the current President of the International Association for the Study of Obesity and known across the world for his work on the genetics of obesity and the relation of exercise to this problem; George A. Bray, M.D. is a Professor of Medicine and Chief of Clinical Obesity and Metabolic Syndrome and the Pennington Biomedical Research Center and Boyd Professor at Louisiana State University with a clinical and research interest in obesity that dates back more than 40 years; Donna H. Ryan, M.D. is Associate Executive Director of Clinical Research at the Pennington Biomedical Research Center a the principal investigator of several studies dealing with treatment of obesity. As obesity has become a major national health problem and since the FDA has published a document entitled "Calories Count", we wanted to contribute some thoughts about beverage labeling and portion sizes that might be helpful.

For years we have used the information in the Nutrient Facts as a way of teaching about calories and food energy. These labels contain both "portion size" and the amount of energy for each portion size. After a recent foray into the grocery store to buy some food items, we conducted a brief examination of the available portion sizes and their energy content. In a major food chain, we were unable to find any fruit juice sizes that were under 200 kcal and often with 2 portions per bottle. Since people tend to finish most of a bottle, either the portion size should be adjusted upward, or manufacturers should provide the public with modest size containers with 100 or 200 kcal quantities of energy.

Some of the individually wrapped baked goods were just as bad. In looking over several muffins and rolls, the labeling indicated 220 kcal per serving, but there were 2 servings in a single muffin package. It seems inappropriate to have packages that tend to be eaten all at once by one consumer labeled as two servings.

We recently conducted an exercise among nutrition faculty in reading food labels on beverages that generated considerable confusion among the nutrition professionals and might be completely confusing to the public.

1. In the fruit juice section of a well known chain of supermarkets there were bottles with labels for "fruit juice from concentrate," for "fruit juice not from concentrate," for "juice drink from concentrate with additives," for "100% fruit juice without additives," for "fruit punch" and for "fruit juice mixtures". Even experts such as ourselves did not know by looking at the label what the beverages actually contained, except when it said "100% fruit juice not from concentrate" which we assumed was much like you would get if you squeezed the oranges yourself. One particular label was illustrated some of the problems of inadequate labeling. At the top it said "Ruby Red Grapefruit Juice". Below the name of "Dole," the manufacturer, (whom we learned by reading some of the very fine print is owned by Pepsico) it says "100% fruit juice". From this front of the label we would have concluded, reasonably we think, that this product contained 100% Ruby Red Grapefruit Juice. But I would be wrong. When we went to the finer print on the label it said the contents were filtered water, white grape juice (from concentrate), ruby red grapefruit juice (from concentrate) and apple juice and vitamin C. Isn't this deceptive? On this same label the bottle had 2 servings with 140 kcal in each serving.
2. We don't know, and we could not find out what "concentrate" means. What is concentrated? How is it done? What is retained and what lost? As scientists we would assume that this meant lyophilized where only the water is removed, but when we asked our food science friends they just laughed and told us it was much more complicated. What is the truth? Shouldn't the public know what the truth is when they finish reading the label?
3. Fruit juice drinks were the most deceptive. They almost always have high fructose corn syrup as one ingredient, whether we wanted it or not. Other additives were also there. One area of confusion was "sugar (medium invert)" which caused considerable confusion. We asked 2 experts from the Department of Nutrition at the Harvard School of Public Health, one of the leading departments of nutrition in the country what this meant, and neither one could tell us. If some our leading authorities in nutrition can't tell us what the ingredients on a label mean, how can we expect the public to know what they are getting? And isn't the purpose of a nutrition facts label to tell the public what they are getting?

To remedy some of these problems, we would suggest the following things.

1. That food in packages likely to be consumed by one individual at a single sitting be labeled with the total number of calories. No half muffin for a serving size.
2. Beverages containing 100% fruit juice should carry the label "fruit juice" prominently displayed above the fruit. This label might also apply to fruits

juices made from “concentrate”, providing the concentration process had removed only “water” and that only water was added back to provide the same concentration of nutrients as originally present. These might be labeled “naturally nutrient rich” to designate their healthful levels of nutrients.

3. The words “Naturally nutrient rich” might be encouraged (or allowed) for all of the beverages made entirely from the natural product. This would mean that none of the industrial blends could carry this label, which would help consumers determine what is naturally nutrient rich.
4. All other beverages should have labels that make it immediately clear that they are NOT fruit juice. Fruit Drink, with the fruit is small letters might be one way to appropriately designate all beverages to which sweeteners or other additives were added.
5. The types of carbohydrate sweeteners might also be reclassified so that the confusion over “Medium Invert” with respect to sugars could be avoided. Hydrolyzed, enzymatically treated starch might be an appropriate label for high fructose corn syrup.

We hope these suggestions are helpful in improving the labels for beverages and for simplifying the portion sizes of foods usually eaten at a single sitting by a single individual.

Sincerely yours,

Claude Bouchard, Ph.D. George A. Bray, M.D.

Donna H. Ryan, M.D.